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May 15, 2020

VIA ECF

The Honorable Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *Worrell v. The Pickle People LLC, et al.* (1:19-cv-11040) (KPF) (DCF)
Request for Stay and Setting of Deadline for Joint Status Report

Dear Judge Failla:

We represent The Pickle People LLC (“Maison Pickle”) in the above-referenced matter. On behalf of Maison Pickle, and with the consent of plaintiff Vernita Worrell (“Plaintiff”) (collectively, the “Parties”), we respectfully request a stay of this action for several reasons.

Initially, this action concerns Plaintiff’s desire to dine at Maison Pickle’s restaurant and claims of alleged physical barriers to access pursuant to Title III of the Americans with Disabilities Act (“ADA”) and analogous state and local laws. However, on-premises dining at the restaurant was suspended in March 2020 in response to the COVID-19 pandemic and Governor Cuomo’s executive order prohibiting the service of food or beverages on-premises at restaurants in New York State. Due to this development, the ongoing public health crisis caused by the COVID-19 pandemic, and the tumultuous economic effects that the pandemic is causing, it is unknown if and when the restaurant will reopen for on-premises dining.

Maison Pickle maintains that the suspension of on-premises dining potentially affects Plaintiff’s standing and the viability of this federal action because Title III of the ADA only allows for injunctive relief. For example, if the restaurant does not reopen for on-premises dining, then there would be no likelihood of a future injury based on the claims asserted, and this Court may lack subject-matter jurisdiction. Aside from this potential legal issue, as a practical matter, the Parties are unable to engage experts to inspect the premises and investigate Plaintiff’s claims at this time, affecting Maison Pickle’s ability to respond to the Complaint as well as the ability of the Parties to conduct discovery. Additionally, defendant 2315 Broadway LLC (“Landlord”) still has not appeared in this action, and the Landlord’s appearance is necessary due to the nature of the claims and Plaintiff’s request for injunctive relief.


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For all of these reasons, we respectfully request that this Court stay this action, including the deadline for Maison Pickle to respond to the Complaint (currently, May 18, 2020) and the Initial Pretrial Conference (currently scheduled to take place on June 11, 2020), and order the Parties to submit a joint status report in sixty (60) days. This application is Maison Pickle's first request for a stay of this action. Previously, Maison Pickle made two requests for extensions of time for responding to the Complaint and for adjournments of the Initial Pretrial Conference, which the Court granted.

We thank the Court for its consideration of our request.

Respectfully submitted,
/s/ Jason B. Jendrewski
Jason B. Jendrewski

cc: Donald J. Weiss, Esq. (*via* ECF)

Application GRANTED. This action is hereby STAYED for 60 days. The parties are ORDERED to file a joint status report on or before July 20, 2020. The initial pretrial conference currently scheduled for June 11, 2020, is ADJOURNED *sine die*.

Dated: May 19, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE